

IN UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAYMOND M. MARTIN,

Defendant.

Case No. 4:09-cr-40037-JPG

MEMORANDUM & ORDER

This matter comes before the Court on Magistrate Judge Frazier's Report and Recommendation ("R & R") (Doc. 205) wherein it was recommended the Court grant the Government's motion for order finding no third party interests (Doc. 190) and motion for summary judgment (Doc. 193). Magistrate Judge Frazier further recommended the Court deny Kristina Martin's objection to forfeiture (Doc. 180).

After reviewing a magistrate judge's report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* The Court must review *de novo* the portions of the report to which specific written objections are made. *Id.* "If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Kristina's attorney, Paul Christenson, suffered a stroke during the objection period and filed motions for continuances to file an objection (Docs. 212, 215). The Court did not hear from

Kristina following these continuances. The Illinois state court appointed Mark Brittingham as a receiver for Mr. Christenson's cases. Mr. Brittingham sent Kristina Martin a second letter regarding her case and need to obtain counsel on February 14, 2012. The Court authorized the Government to send a copy of the Court's order requiring Kristina to file any objection by April 20, 2012 (Doc. 225). She has not done so.

The Government filed a Status Report (Doc. 228) advising the Court of another potential interest in the property at issue. The potential interest has stated she will not make any claim in the property but she has until May 14, 2012 to do so. As this date has passed, the Court now **ADOPTS** the Report and Recommendation (Doc. 205) in its entirety and therefore **DENIES** Kristina Martin's objection to forfeiture (Doc. 180) and **GRANTS** the Government's motion for order finding no third party interests (Doc. 190) and motion for summary judgment (Doc. 193).

IT IS SO ORDERED.

DATED: May 16, 2012

s./ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE